

06-08-07

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: U.S. Patent No. 7,062,931 101816803

Inventor: Woodrow WILSON

Assignee: FoodTrust of Prince Edward Island Limited

Issued: June 20, 2006

Title: REFRIGERATED MERCHANDISER

New York, New York  
June 7, 2007

**PETITION TO CORRECT INVENTORSHIP IN PATENT  
UNDER 35 U.S.C. §256 AND 37 C.F.R §1.324**

Hon. Commissioner for Patents  
Washington, D.C. 20231

Sir:

The assignee of the entire interest in the above-identified patent, the sole inventor named therein, and the joint inventors inadvertently omitted therefrom without any deceptive intention all respectfully request that the inventorship in this patent be corrected under the provisions of 35 U.S.C. §256 and 37 C.F.R §1.324.

Specifically, it is requested that

**Robert JAMIESON and Keith McKENZIE**, citizens of Canada residing in Charlottetown, Prince Edward Island, Canada,

be added as joint inventors with the originally named inventor, **Woodrow WILSON**.

This Petition is accompanied by:

1. Verified Statements of Facts by Robert Jamieson and Keith McKenzie, who are sought to be added as inventors by the present Petition. Both of these Statements verify that the error

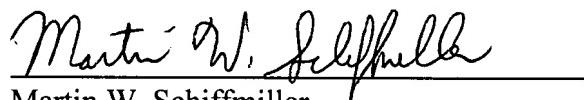
in naming Woodrow Wilson as sole inventor in this patent occurred without deceptive intention on his part or on the part of the inventors sought to be added.

2. Woodrow Wilson's Verified Statement agreeing to the change of inventorship in this patent from Woodrow WILSON alone to Woodrow WILSON, Robert JAMIESON and Keith McKENZIE.

3. The written Consent of the assignee of the entire ownership interest of all the inventors, FoodTrust of Prince Edward Island Limited ("FoodTrust"). The assignment from originally named inventor Woodrow Wilson to FoodTrust was recorded on July 30, 2004 at reel 015641, frame 0430. The assignment from the joint inventors sought to be added, Robert Jamieson and Keith McKenzie, has been forwarded to the Assignment Division for recordation. A true copy of the latter assignment is attached hereto.

Please charge the processing fee of \$130.00, pursuant to 37 C.F.R. §1.20(b), to Deposit Account No. 11-1145.

Respectfully submitted,



Martin W. Schiffmiller  
Reg. No. 30,421  
Attorney for Assignee

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## CONFIRMATORY ASSIGNMENT

This Confirmatory Assignment is made by Robert H. Jamieson, a citizen of Canada, residing at 538 Suffolk Road, RR 3, Charlottetown, Prince Edward Island, Canada C1A 7J7 and Keith J. McKenzie, a citizen of Canada, residing at 14 Parent Drive, Charlottetown, Prince Edward Island, Canada C1C 1R2 ("ASSIGNORS") in favor of FoodTrust of Prince Edward Island Limited, a corporation of Canada, located and doing business at 119 Kent Street, Suite 620, Charlottetown, Prince Edward Island, Canada C1A 1N3 ("ASSIGNEE").

WHEREAS, ASSIGNEE has filed the following patent applications covering improvements in a REFRIGERATED MERCHANDISER:

<u>App. No.</u>	<u>Filing Date</u>	<u>Country</u>	<u>Patent No.</u>	<u>Title</u>
2462992	4/1/04	Canada	2,462,992	Refrigerated Merchandiser
10/816,803	4/2/04	U.S.	7,062,931	Refrigerated Merchandiser
11/228,444	9/15/05	U.S.	Pending	Refrigerated Merchandiser
11/434,292	5/15/06	U.S.	Pending	Refrigerated Merchandiser

WHEREAS, said patent applications on filing named Woodrow Wilson as sole inventor;

WHEREAS, ASSIGNEES were hired by ASSIGNEE to assist ASSIGNEE in the development of the REFRIGERATED MERCHANDISER;

WHEREAS, it has now been determined that ASSIGNORS had invented some improvements in the REFRIGERATED MERCHANDISER and that at least some of said patent applications should have also named ASSIGNORS as co-inventors along with Woodrow Wilson;

WHEREAS, ASSIGNEE intends to take steps to correct the inventorship on those of said patent applications on which ASSIGNORS should have been named as co-inventors;

WHEREAS, ASSIGNORS orally agreed to assign all of their rights in their invention related to the REFRIGERATED MERCHANDISER to ASSIGNEE;

WHEREAS, ASSIGNEE is desirous of acquiring all of ASSIGNORS' right, title and interest in and to said invention and any Letters Patent that may be granted therefor.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over to ASSIGNEE, *nunc pro tunc* ("now for then") all of their right, title and interest in the United States of America, Canada and all other countries in and to said invention and said patent applications, all original, divisional, continuation, substitute or reissue applications and patents applied for or granted therefor in the United States of America, Canada and all other countries, the same to be held and enjoyed by ASSIGNEE for its own use and enjoyment, and for the use and enjoyment of its successors, assigns and other legal representatives, to the end of the term or terms for which any patents are granted or reissued or reexamined as fully and entirely as the same would have been held and enjoyed by ASSIGNORS if this assignment and sale had not been made, together with all claims for damages by reason of past infringement of any patents issued on said patent applications, with the right to sue for and collect the same for its own use and behoof, and for the use and behoof of its successors, assigns or other legal representatives;

and each ASSIGNOR for himself and his legal representatives, heirs and assigns, does hereby agree and covenant without further remuneration to execute and deliver all divisional, continuation, reissue and other applications for Letters Patent on said invention and all assignments thereof to ASSIGNEE or its assigns, to communicate to ASSIGNEE or its representatives all facts known to ASSIGNORS respecting said invention, whenever requested, to testify in any interferences or other legal proceedings in which any of said patent applications or patents may become involved, to sign all lawful papers, to make all rightful oaths, and to do generally anything necessary to aid ASSIGNEE, its successors, assigns and other legal representatives to obtain patent protection for said invention in all countries.

Date: OCTOBER 27, 2006

By: Robert H. Jamieson  
Robert H. Jamieson

PROVINCE OF PRINCE EDWARD ISLAND)

On this 27 day of OCTOBER, 2006, before me personally came the above-named Robert H. Jamieson to me personally known as the individual who executed the foregoing instrument, who acknowledged to me that the same was executed by him of his own free will for the purposes therein set forth.

Notary Public

Date:

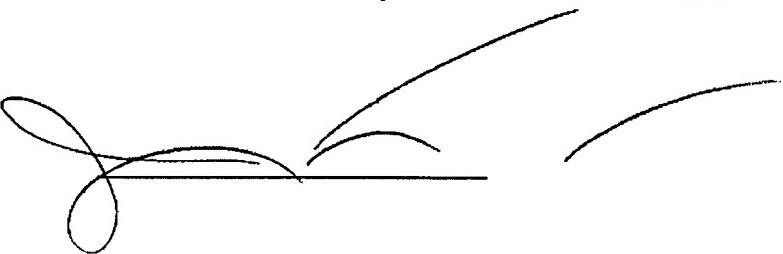
OCTOBER 27, 2006

By: Keith J. McKenzie  
Keith J. McKenzie

PROVINCE OF PRINCE EDWARD ISLAND)

On this 2 day of OCTOBER, 2006, before me personally came the above-named Keith J. McKenzie to me personally known as the individual who executed the foregoing instrument, who acknowledged to me that the same was executed by him of his own free will for the purposes therein set forth.

Notary Public





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: U.S. Patent No. 7,062,931

Inventor: Woodrow WILSON

Assignee: FoodTrust of Prince Edward Island Limited

Issued: June 20, 2006

Title: REFRIGERATED MERCHANDISER

**VERIFIED STATEMENT BY ROBERT JAMIESON  
UNDER 17 C.F.R. §324(b)(1) IN SUPPORT OF  
PETITION TO CORRECT INVENTORSHIP IN PATENT**

I, ROBERT JAMIESON, hereby declare as follows:

1. I am the President of Jamieson Electric and Refrigeration Ltd. ("Jamieson Electric") of Suffolk Road, Charlottetown, Prince Edward Island, Canada. I have been the chief executive officer of Jamieson Electric since its founding 26 years ago.

2. Jamieson Electric is in the business of designing, installing, repairing and maintaining refrigeration and related equipment, e.g., for stores, warehouses, fish and potato processing plants and the like.

3. In 2003 Jamieson Electric was approached by Atlantic Store Decor Inc. ("Store Decor") of Pooles Corner, Prince Edward Island, to work with them on the development of a freestanding merchandiser in which various types of potatoes could be segregated and sold according to their use, such as baking, frying or mashing. Store Decor advised us that it had contracted with FoodTrust of Prince Edward Island Limited ("FoodTrust") to engineer and build this merchandiser. We agreed to act as a subcontractor to Store Decor on this project for the purposes of developing a

refrigeration system that could be incorporated into the subject potato merchandising units and keep the potatoes stored therein at a constant temperature of about 45-50° F.

3. I worked personally on the development of the refrigeration system for the potato merchandiser under our contract with Store Decor, and I was joined in this effort by Keith McKenzie, who is the refrigeration foreman of Jamieson Electric and has been with the company for about 20 years. We submitted our work on this project not only to Store Decor for approval but also to Woodrow Wilson, Vice President of Marketing for FoodTrust, who (we were told) had originated the basic concept of the potato merchandiser.

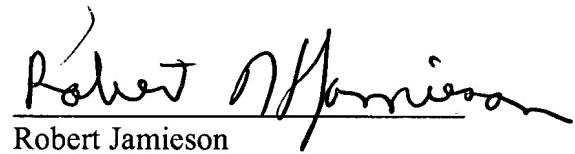
4. Mr. McKenzie and I eventually developed a workable refrigeration and air flow system for the potato merchandiser, wherein a cooling unit was installed therein and the air flowing over the potatoes was recirculated back to the cooling unit. In this way, the cooling unit would be cooling air that had previously been cooled and would thus operate more efficiently. We created a completed prototype of the merchandiser including the refrigeration system we designed and developed.

5. I have been advised by FoodTrust's legal counsel that FoodTrust filed a number of patent applications in Canada and the United States relating to the novel refrigerated merchandiser. One of these was U.S. Application Serial No. 10/816,803, filed April 2, 2004, which named Woodrow Wilson as sole inventor and which issued as Patent No. 7,062,931. I have been advised further that certain claims of the aforesaid patent include the refrigeration and air flow concepts that Keith McKenzie and I conceived of, designed and developed for the merchandiser, and that, therefore, I should have been named as a co-inventor in this patent with Mr. Wilson (and Mr. McKenzie).

6. The error of omitting my name as a co-inventor was made innocently and without any deceptive intent on my part. I was not advised until recently that any patent applications had been filed or any patents issued on the refrigerated merchandiser which included my inventive contributions thereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the subject patent.

Dated: May 29 , 2007

  
Robert Jamieson  
Robert Jamieson



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: U.S. Patent No. 7,062,931

Inventor: Woodrow WILSON

Assignee: FoodTrust of Prince Edward Island Limited

Issued: June 20, 2006

Title: REFRIGERATED MERCHANDISER

**VERIFIED STATEMENT BY KEITH McKENZIE  
UNDER 17 C.F.R. §324(b)(1) IN SUPPORT OF  
PETITION TO CORRECT INVENTORSHIP IN PATENT**

I, KEITH McKENZIE, hereby declare as follows:

1. I am the refrigeration foreman of Jamieson Electric and Refrigeration Ltd. ("Jamieson Electric") of Suffolk Road, Charlottetown, Prince Edward Island, Canada. I have been employed by Jamieson Electric for about 20 years.
2. Jamieson Electric is in the business of designing, installing, repairing and maintaining refrigeration and related equipment, e.g., for stores, warehouses, fish and potato processing plants and the like.
3. In 2003 Jamieson Electric was approached by Atlantic Store Decor Inc. ("Store Decor") of Pooles Corner, Prince Edward Island, to work with them on the development of a freestanding merchandiser in which various types of potatoes could be segregated and sold according to their use, such as baking, frying or mashing. Store Decor advised us that it had contracted with FoodTrust of Prince Edward Island Limited ("FoodTrust") to engineer and build this merchandiser.

We agreed to act as a subcontractor to Store Decor on this project for the purposes of developing a refrigeration system that could be incorporated into the subject potato merchandising units and keep the potatoes stored therein at a constant temperature of about 45-50° F.

3. I worked on the development of the refrigeration system for the potato merchandiser together with Robert Jamieson, president of Jamieson Electric. We submitted our work on this project not only to Store Decor for approval but also to Woodrow Wilson, Vice President of Marketing for FoodTrust, who (we were told) had originated the basic concept of the potato merchandiser.

4. Mr. Jamieson and I eventually developed a workable refrigeration and air flow system for the potato merchandiser, wherein a cooling unit was installed therein and the air flowing over the potatoes was recirculated back to the cooling unit. In this way, the cooling unit would be cooling air that had previously been cooled and would thus operate more efficiently. We created a completed prototype of the merchandiser including the refrigeration system we designed and developed.

5. I have been advised by FoodTrust's legal counsel that FoodTrust filed a number of patent applications in Canada and the United States relating to the novel refrigerated merchandiser. One of these was U.S. Application Serial No. 10/816,803, filed April 2, 2004, which named Woodrow Wilson as sole inventor and which issued as Patent No. 7,062,931. I have been advised further that certain claims of the aforesaid patent include the refrigeration and air flow concepts that Robert Jamieson and I conceived of, designed and developed for the merchandiser, and that, therefore, I should have been named as a co-inventor in this patent with Mr. Wilson (and Mr. Jamieson).

6. The error of omitting my name as a co-inventor was made innocently and without any deceptive intent on my part. I was not advised until recently that any patent applications had been filed on the refrigerated merchandiser which sought protection for that apparatus including my inventive contributions thereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the subject patent.

Dated: May 29 , 2007

Keith McKenzie  
Keith McKenzie



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: U.S. Patent No. 7,062,931  
Inventor: Woodrow WILSON  
Assignee: FoodTrust of Prince Edward Island Limited  
Issued: June 20, 2006  
Title: REFRIGERATED MERCHANDISER

**VERIFIED STATEMENT BY WOODROW WILSON  
UNDER 17 C.F.R. §324(b)(2) IN SUPPORT OF  
PETITION TO CORRECT INVENTORSHIP IN PATENT**

I, WOODROW WILSON, hereby declare as follows:

1. I am the sole inventor named in U.S. Patent No. 7,062,931.
2. I agree to the change of inventorship in this patent from Woodrow WILSON to

**Woodrow WILSON, Robert JAMIESON and Keith McKENZIE.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: May 22, 2007

A handwritten signature in black ink, appearing to read "Woodrow Wilson". The signature is written over a horizontal line.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: U.S. Patent No. 7,062,931  
Inventor: Woodrow WILSON  
Assignee: FoodTrust of Prince Edward Island Limited  
Issued: June 20, 2006  
Title: REFRIGERATED MERCHANDISER

**CONSENT OF ASSIGNEE TO CHANGE OF  
INVENTORSHIP IN PATENT**

Hon. Commissioner for Patents  
Washington, D.C. 20231

Sir:

**FoodTrust of Prince Edward Island Limited**, a corporation organized under the laws of Canada, is the owner of all right, title and interest in the above-identified patent by (a) assignment from the original named inventor, Woodrow WILSON, recorded on July 30, 2004 at reel 015641, frame 0430, and (b) a confirmatory assignment dated October 27, 2006 from the joint inventors sought to be added, Robert JAMIESON and Keith McKENZIE, a copy of which is submitted herewith. This assignment has been forwarded to the Assignment Division to be recorded.

**FoodTrust of Prince Edward Island Limited** hereby consents to the amendment of the inventorship in this patent from Woodrow WILSON to:

**Woodrow WILSON, Robert JAMIESON and Keith McKENZIE.**

**FoodTrust of Prince Edward Island Limited**

By   
Alan Miller  
President

Dated: Charlottetown, PEI, Canada  
May 22<sup>nd</sup>, 2007